

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 15-594 (DSD/HB)

Rhonda Fleming,

Plaintiff,

v.

AMENDED ORDER

Medicare Freedom of Information Group; Hugh Gilmore; Vendetta Dutton; Mary Jane Collard; Department of Justice; Susan Gerson; Albert A. Balboni; and Other Unknown DOJ Officials, all in their individual and official capacities,

Defendants.

This matter is before the court upon the report and recommendation of Magistrate Judge Hildy Bowbeer dated April 15, 2015. The magistrate judge recommended that the court dismiss plaintiff Rhonda Fleming's claims of false imprisonment and due process and allow Fleming's FOIA and denial of access to the courts claims to proceed. Fleming filed a response to the report and recommendation stating that she does not object and that she "respects the wisdom of the Court and accepts the report."¹ ECF No. 17. Under these circumstances, the court finds it appropriate adopt the report and recommendation.

¹ Fleming also requested that the proceedings be bifurcated, but did not provide sufficient detail regarding this request. Fleming may raise this issue in the context of her remaining claims.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The magistrate judge's report and recommendation [ECF No. 15] is adopted in its entirety;
2. Plaintiff's claims of false imprisonment and violations of due process are dismissed without prejudice; and
3. Plaintiff's FOIA and denial of access to the courts claim remain.

Dated: May 18, 2015

s/David S. Doty
David S. Doty, Judge
United States District Court